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**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **MODIFICATION OF CLOSTRIDAL TOXINS FOR USE AS TRANSPORT PROTEINS**; the U.S. National Phase of International Application Serial No. **PCT/GB95/01253** filed on **May 31, 1995**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

Priority  
Claimed

No.: **9410871.9** Country: **GB** Date Filed: **May 31, 1994**

**Yes**

No.: **9410871.1** Country: **GB** Date Filed: **May 31, 1994**

**Yes**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of first inventor: **James Oliver Dolly**

Inventor's signature

Date

Residence: 7 Buckland Road, Cheam, Surrey, S17 2 7LP United Kingdom

Citizenship: United Kingdom

Post Office Address: same as above

08750101.050197

Kei Roger AokiFull name of second inventor: Roger Kei Aoki KRA 3/18/97Inventor's signature Kei Roger AokiDate 3/18/97Residence: 25472 Earhart Road, Laguna Hills, CA 92653 CA

Citizenship: USA

Post Office Address: same as above

Full name of third inventor: Larry Allen WheelerInventor's signature Larry Allen WheelerDate 3/12/97Residence: 18 Valley View, Irvine, CA 92715 CA

Citizenship: USA

Post Office Address: same as above

Full name of fourth inventor: Michael Elwood GarstInventor's signature Michael Elwood GarstDate 17 Mar 97Residence: 2433 Vista Hogar, Newport Beach, CA 92662 CA

Citizenship: USA

Post Office Address: same as above

DEA-1417:kc/022697

Send Correspondence To:  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
620 Newport Center Drive  
Sixteenth Floor  
Newport Beach, CA 92660-8016

Direct Telephone Calls To:  
Daniel E. Altman

(714) 760-0404

ALRGN.054CP1

PCT Filed / MAY 1997

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Dolly et al.	)
			)
Int'l.			)
App. No.	:	PCT/GB95/01253	)
			)
Int'l.			)
Filing Date	:	May 31, 1995	)
			)
For	:	MODIFICATION OF	)
		CLOSTRIDIAL TOXINS FOR USE	)
		AS TRANSPORT PROTEINS	)
			)
Examiner	:	Unknown	)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents  
 Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee. I have reviewed this Assignment, and to the best of the Assignee's knowledge and belief, the Assignee is the owner of the entire right, title and interest in the above-referenced application.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine

08750101-050197

Internat'l. App. No.: PCT/GB95/01253

Internat'l. Filing Date: May 31, 1995

or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints Louis J. Knobbe, Registration No. 18,780; Don W. Martens, Registration No. 21,107; Gordon H. Olson, Registration No. 20,319; James B. Bear, Registration No. 25,221; Darrell L. Olson, Registration No. 28,247; William B. Bunker, Registration No. 29,365; William H. Nieman, Registration No. 30,201; Lowell Anderson, Registration No. 30,990; Arthur S. Rose, Registration No. 28,038; James F. Lesniak, Registration No. 25,240; Ned A. Israelsen, Registration No. 29,655; Drew S. Hamilton, Registration No. 29,801; Jerry T. Sewell, Registration No. 31,567; John B. Sganga, Jr., Registration No. 31,302; Edward A. Schlatter, Registration No. 32,297; Gerard von Hoffmann, Registration No. 33,043; Joseph R. Re, Registration No. 31,291; John M. Carson, Registration No. 34,303; Andrew H. Simpson, Registration No. 31,469; Daniel E. Altman, Registration No. 34,115; Anita M. Kirkpatrick, Registration No. 32,617; Ernest A. Beutler, Registration No. 19,901; Vito A. Canuso, Registration No. 35,471; William H. Shreve, Registration No. 35,678; Stephen C. Jensen, Registration No. 35,556; Steven J. Nataupsky, Registration No. 37,688; Michael H. Trenholm, Registration No. 37,743; AnneMarie Kaiser, Registration No. 37,649; Brenton R. Babcock, Registration No. 39,592; Nancy Ways Vensko, Registration No. 36,298; Jonathan A. Barney, Registration No. 34,292; Ronald J. Schoenbaum, Registration No. 38,297; Richard C. Gilmore, Registration No. 37,335; John R. King, Registration No. 34,362; William S. Reimus, Registration No. 38,279; John P. Giezentanner, Registration No. 39,993; Frederick S. Berretta, Registration No. 38,004; Christopher A. Colvin, Registration No. 39,147; Richard Kim, Registration No. 40,046; Glenn R. Smith, Registration No. 38,308; Craig S. Summers, Registration No. 31,430; Stephen C. Beuerle, Registration No. 38,380; Robert F. Gazdzinski, Registration No. 39,990; R. Scott Weide, Registration No. 37,755; Yasuo Muramatsu, Registration No. 38,684; Raimond J. Salenieks, Registration No. 37,924; Renée E. Canuso, Registration No. 36,657; Michael L. Fuller, Registration No. 36,516; Neil S. Bartfeld, Registration No. 39,901; and Daniel E. Johnson, Registration No. 37,033, Knobbe, Martens,

Internat'l. App. No.: PCT/GB95/01253  
Internat'l. Filing Date: May 31, 1995

Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (714) 760-0404, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please direct all communications relative to said application to the following correspondence address:

Daniel E. Altman  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
620 Newport Center Drive  
Sixteenth Floor  
Newport Beach, CA 92660  
Telephone: (714) 760-0404

ALLERGAN, INC.

Dated: April 29, 1997

By: Rf Baran  
Robert Baran

Title: Counsel

Address: 2525 Dupont Drive  
Irvine, CA 92612

DEA-1422:kc  
022697

**COPY**  
ASSIGNMENT

*Republic of Ireland*

WHEREAS, We, James Oliver Dolly, a ~~United Kingdom~~ citizen, residing at 7 Buckland Road, Cheam, Surrey, SM2 7LP, United Kingdom; Roger Kei Aoki, a United States citizen, residing at 25472 Earhart Road, Laguna Hills, CA 92653; Larry Allen Wheeler, a United States citizen, residing at 18 Valley View, Irvine, CA 92715; and Michael Elwood Garst, a United States citizen, residing at 2433 Vista Hogar, Newport Beach, CA 92662; have invented certain new and useful improvements in a MODIFICATION OF CLOSTRIDIAL TOXINS FOR USE AS TRANSPORT PROTEINS filed an application for Letters Patent in the United States, which was internationally filed as PCT/GB95/01253 on May 31, 1995;

AND WHEREAS, Allergan, Inc. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 2525 Dupont Drive, Irvine, CA 92715, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) each to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 8<sup>th</sup> day of August, 1997.

*James Oliver Dolly*  
James Oliver Dolly

STATE OF ENGLAND  
COUNTY OF LONDON

ss.

On 8<sup>th</sup> April 1997, before me, NICHOLAS R. R. SMITH, *Notary Public of London, England* personally appeared James Oliver Dolly personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

*Nicholas R. R. Smith*  
NICHOLAS R. R. SMITH  
NOTARY PUBLIC, LONDON, ENGLAND.  
My Commission expires with Life

COPY

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 18 day of March, 1997

Kei Roger Aoki  
~~XXXXXX~~  
Kei Roger Aoki

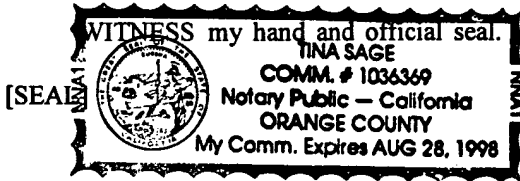
STATE OF

]] ss.

COUNTY OF

On March 18, 1997, before me, Tina Sage personally appeared Roger Kei Aoki personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(~~ies~~), and that by his signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

COPY



Tina Sage  
Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 12 day of March, 1997

Larry Allen Wheeler  
Larry Allen Wheeler

STATE OF CALIFORNIA

]] ss.

COUNTY OF ORANGE

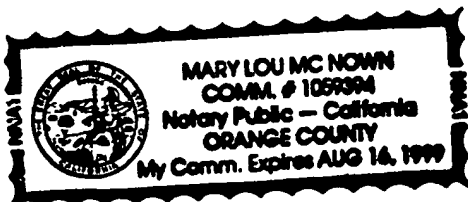
On MARCH 12, 1997 before me, MARY LOU MC NOWN personally appeared Larry Allen Wheeler personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(~~ies~~), and that by his signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Mary Lou Mc Nown  
Signature

COPY





IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 17 day of Mar, 1997

Michael Elwood Garst  
Michael Elwood Garst

STATE OF

COUNTY OF

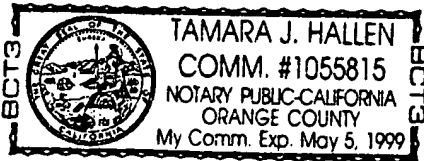
ss.

On 3/17/97, before me, Tamara J. Hallen personally appeared Michael Elwood Garst personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Tamara J. Hallen  
Signature



COPY